

REMARKS

Reconsideration is requested.

Return of a completely initialed copy of the PTO-1449 Form filed December 20, 2001, pursuant to MPEP Section 609, is requested. The copy of the PTO-1449 Form returned with the Office Action of June 2, 2004, does not contain the Examiner's initials on the left-hand column next to references U.S. Patent No. 5,898,097 and WO 98 30721. The Examiner has signed and dated however the PTO-1449 Form such that the undersigned presumes the non-initialed references have also been considered. Confirmation of the same and clarification of the record are requested however by return of a completely initialed PTO-1449 Form, pursuant to MPEP Section 609.

Acknowledgement of receipt of the priority document FR 99/07831 from the International Bureau is requested in the Examiner's next Action.

Claim 3 has been amended above as suggested by the Examiner on page 3 of the Office Action dated June 2, 2004. Withdrawal of the objection of claim 3 is requested.

The Section 112, first paragraph, "enablement" rejection of claims 1-5 is traversed. Reconsideration and withdrawal of the rejection are requested in view of, for example, Example 16 of the specification spanning pages 48-65 of the specification which exemplifies the claimed invention. As for the Examiner's comments regarding the requirement for a secondary marker, the Examiner's own comments on pages 4-5 of the Office Action of June 2, 2004, confirm that one of ordinary skill in the art will be able to practice the claimed invention by using, for example, a secondary marker such as that described by the Examiner. The above-noted Example exemplifies such a "marker" as

silver nitrate. Undue experimentation will not be required to make and use the presently claimed invention which is the subject of the Examiner's Office Action of June 2, 2004.

Specifically, in the exemplified method of the specification each sample is treated in duplicate where one SDS-PAGE gel is stainless silver staining while a second gel is used for Western blot and proteins are detected with a polyclonal anti-RYMV antibody. Bands which are immunodetected by the specific antibody are compared with silver stained bands and bands which are not immunodetected by the antibody are identified by silver stained gel and collected. One of ordinary skill in the art will be able to practice the presently claimed invention without undue experimentation.

Withdrawal of the Section 112, first paragraph, "enablement" rejection of claims 1-5 is requested.

The Section 112, first paragraph, "written description" rejection of claims 1-5 is traversed. As noted above, the presently claimed invention is adequately described and exemplified in the specification.

Withdrawal of the Section 112, first paragraph, "written description" rejection of claims 1-5 is requested as the claimed invention is described and exemplified in the specification such that one of ordinary skill in the art will appreciate that the applicants were in possession of the claimed invention at the time the application was filed.

The Section 112, second paragraph, rejection of claims 1-5 is traversed. Reconsideration and withdrawal of the Section 112, second paragraph, rejection of claims 1-5 are requested as the applicants believe the claimed invention will be understood by one of ordinary skill in the art. The applicants submit in this regard that bands which are not immunodetected are, for example, directly harvested from the

stained gel and a non-specific marker is not necessary. Moreover, host-proteins-virus complexes are harvested in the first fraction which are identified in the control as purified virus (See, for example, Figures 14A, 14B and 14C) where no additional bands with RYMV-CP was observed. Moreover, in Figures 13A, 13B and 13C, the same fractions are harvested in the same experimental conditions, but here host-proteins that remain with the virus are detected.

The claims are submitted to be definite and withdrawal of the Section 112, second paragraph, rejection of claims 1-5 is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff
Reg. No. 36,663

BJS:pp
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100